

In Section 1, line one, insert the word "Texas" between the words "Vernon's" and "Civil" and the words "Regular Session" after the words "62nd Leg."

In the caption, insert the words "Section 1" after the words "ch. 506," on line 3.

On line 2 of Section 1., insert the words "Section 1" after the words "ch. 506,"

The committee amendment was read and was adopted.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 485** (Blake) Relating to benefits under the Texas County and District Retirement System. (31-0) (31-0) (31-0)

**S.B. 816** (Traeger) Relating to the compensation of the judges of the county and district courts in Webb County. (31-0) (31-0) (31-0)

#### **CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

#### **ADJOURNMENT**

On motion of Senator Brooks the Senate at 8:45 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

#### **FORTY-THIRD DAY (Thursday, March 26, 1981)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President Pro Tempore, Senator Traeger.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: Ogg.

A quorum was announced present.

The Reverend Sam McCutchen, Minister of Youth, Riverbend Baptist Church, Austin, offered the invocation as follows:

Our Heavenly Father,  
We come today with gratitude for all the blessings that You have bestowed upon each one of us.  
Grant each one of us the desire to seek Your will.  
Remind us today of Your unconditional love for each one of us.  
And let that in itself be the motivating influence that inspires us to lead and to serve. With faith, hope and love we pray, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### LEAVE OF ABSENCE

Senator Ogg was granted leave of absence for today on account of important business on motion of Senator Brooks.

#### MESSAGE FROM THE HOUSE

House Chamber  
March 26, 1981

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 77**, Inviting the Honorable George Bush to address a Joint Session.

**S.C.R. 78**, Granting either House permission to adjourn for more than three days to conduct outreach hearings on redistricting.

**H.C.R. 92**, Honoring Roy Benavidez, Medal of Honor winner.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

(President in Chair)

#### REPORTS OF STANDING COMMITTEES

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

**S.B. 398** (Amended)  
**S.B. 782**  
**S.B. 447** (Amended)  
**S.B. 440**  
**S.B. 448** (Amended)  
**C.S.S.B. 865** (Read first time)  
**C.S.S.B. 796** (Read first time)  
**C.S.S.B. 418** (Read first time)  
**C.S.S.B. 291** (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

S.C.R. 63 (Amended)  
S.B. 544  
S.B. 545 (Amended)  
S.B. 592 (Amended)  
S.B. 855  
C.S.S.B. 653 (Read first time)  
C.S.S.B. 858 (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

S.C.R. 29  
S.B. 827  
S.B. 109 (Amended)  
C.S.S.B. 131 (Read first time)  
C.S.S.B. 541 (Read first time)

Senator Truan, Acting Chairman, submitted the following report for the Committee on Human Resources:

C.S.S.B. 750 (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

C.S.S.B. 597 (Read first time)

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 890  
S.B. 900  
S.B. 603  
S.B. 1121 (Amended)  
C.S.S.B. 472 (Read first time)

#### SENATE BILLS ON FIRST READING

On motion of Senator Leedom and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1145 by Leedom, Glasgow, Wilson, State Affairs  
Brown, Sarpalius, Mengden, Andujar,  
Meier, Howard, Travis, Caperton  
Relating to special license plates for certain state officials.

S.B. 1146 by McKnight Natural Resources  
Relating to production of oil and gas in a combined or commingled state.

S.B. 1147 by McKnight Natural Resources  
Relating to the sale of oil and gas interests in certain state-owned property.

**S.B. 1148** by Leedom

State Affairs

Relating to the location of the meetings of the Metric System Advisory Council.

#### HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

**H.B. 3**, To Committee on State Affairs.

**H.B. 1054**, To Committee on State Affairs.

#### SENATE RESOLUTION 414

Senator Howard offered the following resolution:

WHEREAS, Senator Roy Blake of the Third Senatorial District was born 53 years ago on March 29, 1928; and

WHEREAS, A businessman and civic leader from Nacogdoches, Senator Blake is descended from a local pioneer family; as a member of the Texas Senate, he is upholding a family tradition, for his great-grandfather, Bennett Blake, served in the 10th Session in 1863; and

WHEREAS, Twenty-six of the bills sponsored by Senator Blake were passed during the 66th Session, his first in the Senate, and this Session his unemployment legislation, Senate Bill 2, on which he worked long and hard, has been passed and signed into law; and

WHEREAS, He and his gracious wife, the former Mae Deanne Goodwin of San Augustine, have five children: Mrs. Stephen Muckleroy, Roy Jr., Mrs. Dan Chamness, Ben, and Mary Ann; and

WHEREAS, Senator Blake has gained the admiration and respect of his colleagues as one of the hardest-working, most conscientious and astute members of the Legislature; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 67th Legislature, hereby honor Senator Roy Blake on his 53rd birthday and wish him many happy returns; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for the Senator as an expression of esteem and friendship from his fellow Senators.

The resolution was read and was adopted.

#### BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

**H.B. 1432**

**H.B. 4**

#### SENATE BILL 192 WITH HOUSE AMENDMENTS

Senator Doggett called **S.B. 192** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1 - Pierce

Amend **S.B. 192** by striking SECTION 71A(b) and substituting the following:

(b) The court shall appoint a receiver if such appointment is necessary to guarantee the collection of assessments, fees, penalties, or interest, to guarantee continued service to the customers of the utility, or to prevent continued or repeated violation of the final order.

Floor Amendment No. 1 - Green

Amend **S.B. 192** by adding the following Section:

Section 71B The receiver may, subject to the approval of the court and after giving notice to all interested parties, sell or otherwise dispose of real or personal property, or any part thereof, of a water or sewer utility against which a proceeding has been brought under this Article for the purpose of paying for the costs incurred in the operation of the receivership. Said costs shall include but are not limited to the payment of fees to the receiver for his services; payment of fees to attorneys, accountants, engineers or any other person or entity which provides goods or services necessary to the operation of the receivership; payment of costs incurred in ensuring any property owned or controlled by a water or sewer utility is not used in violation of a final order of the commission.

The amendments were read.

Senator Doggett moved to concur in House amendments.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ogg.

#### **SENATE BILL 596 WITH HOUSE AMENDMENTS**

Senator Parker called **S.B. 596** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1 - Florence

Amend **S.B. 596** by adding Section 3.110 between Sections 3.109 and 3.111 on page 4 of the bill to read as follows:

Section 3.110. The 284th Judicial District, composed of the County of Montgomery, is hereby created.

Floor Amendment No. 2 - Florence

Amend **S.B. 596** as follows:

- (1) Strike "3.111" on page 1, line 12, and substitute "3.113".
- (2) Add the following at the end of Section 1 of the bill on page 4:

Sec. 3.113. (a) The 287th Judicial District, composed of the Counties of Bailey and Parmer, is hereby created.

(b) The 287th Judicial District Court shall hold two terms of court for each county beginning in Bailey County on the first Mondays in February and August of each year and beginning in Parmer County on the first Mondays in March and September of each year. Each term shall continue in each county until the beginning of the next succeeding term.

(3) Strike "Section 4.008" on page 4, line 10, and substitute "Sections 4.008 through 4.010".

(4) Add the following at the end of Section 2 of the bill on page 4:

Sec. 4.010. (a) The office of district attorney for the 287th Judicial District is created.

(b) The district attorney shall represent the state in all cases before the 287th District Court and shall perform the duties imposed and have the authority conferred on district attorneys by the general laws of this state.

(5) Between Section 14 and Section 15 of the bill on page 19, add the following three sections, appropriately numbered, to read as follows:

SECTION \_\_\_\_\_. Sections 1 and 8, Chapter 506, Acts of the 55th Legislature, Regular Session, 1957 (Article 199(154), Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 1. There ~~[From and after the effective date of this Act, there]~~ is ~~[hereby]~~ created the 154th Judicial District of Texas to be composed of the County ~~[Counties]~~ of Lamb ~~[, Bailey and Parmer]~~.

Sec. 8. The ~~[From and after the effective date of this Act, the]~~ terms of the 154th Judicial District Court shall ~~begin~~ ~~[be as follows:]~~

~~[In the County of Lamb beginning]~~ on the first Mondays in January and July of each year designated as the January and July Terms, respectively.

~~[In the County of Bailey beginning on the first Mondays of February and August of each year designated as the February and August Terms, respectively.]~~

~~[In the County of Parmer beginning on the first Mondays in March and September of each year designated as the March and September Terms, respectively.]~~

SECTION \_\_\_\_\_. Article 332b-1, Revised Civil Statutes of Texas, 1925, as added, is amended to read as follows:

Art. 332b-1. In Marion County, Lamb County, Terry County, Cass County, Lamar County, Red River County, Crosby County, Robertson County, Falls County, and Ellis County, in all of which counties there is either the office of criminal district attorney or the office of county attorney performing the duties of a district attorney, the official performing such services shall be compensated for his services by the State in such manner and in such amount as may be fixed by the general law relating to the salary to be paid to district attorneys by the State. The Commissioners Court may pay such official any compensation it deems advisable and shall pay such official sufficient compensation to insure that his total compensation is not less than the total compensation received by such official on the effective date of this amendment.

SECTION \_\_\_\_\_. The office of district attorney of the 154th Judicial District is abolished. The county attorney of Lamb County shall represent the state in all matters pending before the district court in Lamb County and perform all the duties of the district attorney.

Floor Amendment No. 3 - Florence

Amend S.B. 596 by striking Section 3.100 on page 2, lines 7-9, and substituting the following:

Sec. 3.100. (a) The 274th Judicial District composed of the counties of Comal, Hays, Guadalupe, and Caldwell, is hereby created.

(b) The terms of the 274th Judicial District shall begin on the second Tuesday in February in Caldwell County; and begin on the second Tuesday in May in Guadalupe County; and begin on the second Tuesday in August in Comal County; and the second Tuesday in December in Hays County. Each term of court continues in each county until the next succeeding term of the court begins.

(c) The jurisdiction of the 274th District Court is concurrent with the jurisdiction of the 22th and the 207th District Courts in Comal, Hays, and Caldwell Counties, and with the 25th and Second 25th in Guadalupe County.

Floor Amendment No. 4 - Florence

Amend Committee Amendment 2 to S.B. 596 by striking the first sentence in Subdivision 26 on lines 6 through 16 of page 24 and substituting the following:

"The 26th Judicial District shall be composed of the County of Williamson, and the district court shall hold six terms of court each year beginning on the first Monday in January, March, May, July, September, and November. Each term shall continue until the beginning of the next succeeding term. ~~[On the first Monday in January and may continue to and including the last Saturday in February, on the first Monday in March and may continue to and including the last Saturday in April, on the first Monday in May and may continue to and including the last Saturday in June, on the first Monday in September and may continue to and including the last Saturday in October, and on the first Monday in November and may continue to and including the last Saturday in December.]"~~

Floor Amendment No. 5 - Florence

Amend Committee Amendment No. 1 to S.B. 596 as follows:

(1) Strike Section 16 on page 22, lines 16-18, and substitute the following:

SECTION 16. The county attorney in each of the counties of Yoakum and Morris shall represent the state in all matters pending before the district court in his respective county. The duties of the District Attorney of the 76th Judicial District in the county of Morris are divested from him and invested in the county attorney. The District Attorney of the 76th Judicial District shall represent the state in all matters pending before the district court in the counties of Titus and Camp and shall be elected from only the counties of Titus and Camp.

(2) Add "Morris County," between "Marion County," and "Terry County," on page 22, line 21.

Floor Amendment No. 6 - Florence

Amend S.B. 596 by striking Section 15 of the bill on page 19, lines 19-26, and substituting the following:

SECTION 15. There is appropriated to the Judiciary Section, Comptroller's Department, from the General Revenue Fund for the fiscal year ending August 31, 1981, the sum of \$25,000 per court or as much of that amount as is necessary to pay the salary and expenses of each judge of the district courts created by this Act and the sum of \$32,000 or as much of that amount as is necessary to pay the salary of each of the county attorneys of Morris and Lamb Counties performing the duties of district attorney. The

salaries and expenses shall be paid at the same rate as is provided in Chapter 843, Acts of the 66th Legislature, Regular Session, 1979, for district judges and for district attorneys who are not included in Chapter 705, Acts of the 66th Legislature, Regular Session, 1979.

Committee Amendment No. 1 - Pennington

Amend S.B. 596 as follows:

- (1) Strike line 12 on page 1 and substitute the following:  
"by adding Sections 3.092 through 3.097 and 3.099 through 3.112 to".
- (2) Add the following on page 4 at the end of Section 1 of the bill:  
"Sec. 3.112. The 286th Judicial District, composed of the Counties of Cochran and Hockley, is hereby created."
- (3) Strike line 10 on page 4 and substitute the following:  
"by adding Sections 4.008 and 4.009 to read as follows:"
- (4) Add the following on page 4 at the end of Section 2 of the bill:  
"Sec. 4.009. (a) The office of district attorney for the 286th Judicial District is created.  
(b) The district attorney shall represent the state in all cases before the 286th District Court and shall perform the duties imposed and have the authority conferred on district attorneys by the general laws of this state."
- (5) Renumber Sections 15 and 16 on page 19 as Sections 19 and 20, respectively, and add Sections 15, 16, 17, and 18 to read as follows:  
"SECTION 15. Section 1, Chapter 190, Acts of the 56th Legislature, Regular Session, 1959 (Article 199(121), Vernon's Texas Civil Statutes), is amended to read as follows:  
Sec. 1. (a) There is ~~hereby~~ created the 121st Judicial District of Texas, to be composed of the Counties of ~~[Cochran, Hockley,]~~ Terry and Yoakum. The District Court of the 121st Judicial District shall have the jurisdiction provided by the Constitution and Laws of this State for District Courts.  
(b) The terms of the District Court shall be held therein each year as follows:  
~~[In the County of Cochran, beginning on the second Monday in March and the second Monday in September.]~~  
~~[In the County of Hockley, beginning on the second Monday in April and the second Monday in October.]~~  
In the County of Terry, beginning on the second Monday in May and the second Monday in November.  
In the County of Yoakum, beginning on the second Monday in June and the second Monday in December.  
Each term of court continues until the next succeeding term begins.  
SECTION 16. The county attorney of Yoakum County shall represent the state in all matters pending before the district court in Yoakum County.  
SECTION 17. Article 332b-1, Revised Civil Statutes of Texas, 1925, as added, is amended to read as follows:  
Art. 332b-1. In Marion County, Terry County, Yoakum County, Cass County, Lamar County, Red River County, Crosby County, Robertson County, Falls County, and Ellis County, in all of which counties there is either the office of criminal district attorney or the office of county attorney performing the duties of a district attorney, the official performing such services shall be compensated for his services by the State in such manner and in such amount as may be fixed by the general law relating to the salary to be paid to district attorneys by the State. The Commissioners Court may pay such official any compensation it deems advisable and shall pay such official sufficient



compensation to insure that his total compensation is not less than the total compensation received by such official on the effective date of this amendment.

SECTION 18. Section 6, Chapter 190, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 326k-41, Vernon's Texas Civil Statutes), and Section 8, Chapter 190, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 326k-41a, Vernon's Texas Civil Statutes), are repealed."

Committee Amendment No. 2 - Pennington

Amend S.B. 596 as follows:

(1) Strike Section 3.103 on lines 11 and 12 on page 3 and substitute the following:

Sec. 3.103. (a) The 277th Judicial District, composed of the County of Williamson, is hereby created.

(b) The 277th District Court shall hold six terms of court each year beginning on the first Mondays in January, March, May, July, September, and November. Each term shall continue until the beginning of the next succeeding term.

(c) The judge of the 277th District Court shall organize and impanel grand juries for Williamson County at the March, July, and November terms of the court and may, when deemed necessary, organize and impanel grand juries at any other term of the court by entering an order therefor.

(2) Renumber Section 16 of the bill on page 19 as Section 17 and add Section 16 to read as follows:

SECTION 16. Subdivision 26, Article 199, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

26. WILLIAMSON. The 26th Judicial District shall be composed of the County of Williamson, and the terms of the district court shall be held each year on ~~On~~ the first Monday in January and may continue to and including the last Saturday in February; on the first Monday in March and may continue to and including the last Saturday in April; on the first Monday in May and may continue to and including the last Saturday in June; on the first Monday in July and may continue to and including the last Saturday in August; on the first Monday in September and may continue to and including the last Saturday in October; and on the first Monday in November and may continue to and including the last Saturday in December.

Grand juries for Williamson County ~~said district court~~ shall be organized by the 26th District Court at the January, May and September terms of said court; provided, that the judge of said court may, when deemed necessary, organize and impanel grand juries at any other term of said court by entering an order therefor.

Floor Amendment No. 7 - Garcia of Bexar

Amending S.B. 596, by striking Section 3.097, Section 3.099, and Section 3.111 in their entirety.

Floor Amendment No. 8 - Florence

Amend **S.B. 596** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Sections 3.092 through 3.096, 3.100 through 3.110, and 3.112 and 3.113 to read as follows:

Sec. 3.092. The 266th Judicial District, composed of the Counties of Erath and Hood, is hereby created.

Sec. 3.093. The 267th Judicial District, composed of the Counties of Calhoun, DeWitt, Goliad, Jackson, Refugio, and Victoria, is hereby created.

Sec. 3.094. The 268th Judicial District, composed of the County of Fort Bend, is hereby created.

Sec. 3.095. The 269th Judicial District, composed of the County of Harris, is hereby created.

Sec. 3.096. The 270th Judicial District, composed of the County of Harris, is hereby created.

Sec. 3.100. (a) The 274th Judicial District, composed of the Counties of Comal, Hays, Guadalupe, and Caldwell, is hereby created.

(b) The terms of the 274th Judicial District shall begin on the second Tuesday in February in Caldwell County; and begin on the second Tuesday in May in Guadalupe County; and begin on the second Tuesday in August in Comal County; and the second Tuesday in December in Hays County. Each term of court continues in each county until the next succeeding term of the court begins.

(c) The jurisdiction of the 274th District Court is concurrent with the jurisdiction of the 22nd and the 207th District Courts in Comal, Hays, and Caldwell Counties, and with the 25th and Second 25th in Guadalupe County.

Sec. 3.101. The 275th Judicial District, composed of the County of Hidalgo, is hereby created.

Sec. 3.102. (a) The 276th Judicial District, composed of the Counties of Camp, Marion, Morris, and Titus, is hereby created.

(b) The terms of the 276th Judicial District shall begin on the first Mondays in January, May, and July in Marion County; and begin on the first Mondays in February, March, and September in Morris County; and begin on the first Mondays in April, June, and November in Titus County; and begin on the first Mondays in October and December in Camp County. Each term of court continues in each county until the next succeeding term of the court begins.

(c) The jurisdiction of the 276th District Court is concurrent with the jurisdiction of the 115th District Court in Marion County and with the 76th District Court in Camp, Morris, and Titus Counties. The judges of the 276th and 76th District Courts in Camp, Morris, and Titus Counties may transfer on their dockets any case to be tried in Camp, Morris, and Titus Counties with the consent of the court to which transferred, and each may sit in the other court to hear cases without transferring the case.

(d) The 276th District Court in each of the Counties of Camp, Morris, and Marion shall have and exercise concurrent jurisdiction with the county court over all matters of criminal jurisdiction, original and appellate, in cases over which under the constitution and laws of this state the county court has jurisdiction. In each of the counties, matters and proceedings in the concurrent jurisdiction may be transferred between the 276th District Court and the county court.

Sec. 3.103. (a) The 277th Judicial District, composed of the County of Williamson, is hereby created.

(b) The 277th District Court shall hold six terms of court each year beginning on the first Mondays in January, March, May, July, September, and November. Each term shall continue until the beginning of the next succeeding term.

(c) The judge of the 277th District Court shall organize and impanel grand juries for Williamson County at the March, July, and November terms of the court and may, when deemed necessary, organize and impanel grand juries at any other term of the court by entering an order therefor.

Sec. 3.104. The 278th Judicial District, composed of the Counties of Grimes, Madison, Walker, and Leon, is hereby created.

Sec. 3.105. (a) The 279th Judicial District, composed of the County of Jefferson, is hereby created.

(b) The 279th District Court shall give preference to family law matters.

Sec. 3.106. The 280th Judicial District, composed of the County of Harris, is hereby created.

Sec. 3.107. The 281st Judicial District, composed of the County of Harris, is hereby created.

Sec. 3.108. (a) The 282nd Judicial District, composed of the County of Dallas, is hereby created.

(b) The 282nd District Court shall give preference to criminal cases.

Sec. 3.109. (a) The 283rd Judicial District, composed of the County of Dallas, is hereby created.

(b) The 283rd District Court shall give preference to criminal cases.

Sec. 3.110. The 284th Judicial District, composed of the County of Montgomery, is hereby created.

Sec. 3.112. The 286th Judicial District, composed of the Counties of Cochran and Hockley, is hereby created.

Sec. 3.113. (a) The 287th Judicial District, composed of the Counties of Bailey and Parmer, is hereby created.

(b) The 287th Judicial District Court shall hold two terms of court for each county beginning in Bailey County on the first Mondays in February and August of each year and beginning in Parmer County on the first Mondays in March and September of each year. Each term shall continue in each county until the beginning of the next succeeding term.

SECTION 2. Subchapter D, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Sections 4.008 through 4.010 to read as follows:

Sec. 4.008. (a) The office of district attorney for the 266th Judicial District is created.

(b) The district attorney shall represent the state in all cases before the 266th District Court and shall perform the duties imposed and have the authority conferred on district attorneys by the general laws of this state.

Sec. 4.009. (a) The office of district attorney for the 286th Judicial District is created.

(b) The district attorney shall represent the state in all cases before the 286th District Court and shall perform the duties imposed and have the authority conferred on district attorneys by the general laws of this state.

Sec. 4.010. (a) The office of district attorney for the 287th Judicial District is created.

(b) The district attorney shall represent the state in all cases before the 287th District Court and shall perform the duties imposed and have the authority conferred on district attorneys by the general laws of this state.

SECTION 3. Subdivision 12, Article 199, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

12. GRIMES, WALKER, LEON, AND MADISON

Sec. 1. The Twelfth Judicial District shall be composed of the Counties of Grimes, Walker, Leon, ~~[Trinity]~~ and Madison.

Sec. 2. The Twelfth District Court shall hold two terms of court annually in each county in the district, which terms commence on the first Monday in January of each year and on the first Monday in July of each year. Each term of court continues until the next succeeding term begins. ~~[, and the terms of the District Courts are hereby designated and shall be held therein each year as follows:~~

~~[In the County of Grimes on the first Mondays in January and June.~~

~~[In the County of Walker on the first Mondays in February and July.~~

~~[In the County of Leon on the first Mondays in March and October.~~

~~[In the County of Trinity on the first Mondays in April and November.~~

~~[In the County of Madison on the first Mondays in May and December.~~

~~[Each term of Court in each of such Counties may continue until the date herein fixed for the beginning of the next succeeding term therein.]~~

SECTION 4. Section 7, Chapter 258, Acts of the 54th Legislature, Regular Session, 1955 (Article 199(2nd 9), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. The District Attorney of the 258th Judicial District ~~[42th Judicial District Court]~~ shall act as District Attorney for the Second 9th Judicial District in Trinity County.

SECTION 5. Subdivision 23, Article 199, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

23. BRAZORIA, MATAGORDA, AND WHARTON. There shall be two terms of the 23rd Judicial District Court in each of the Counties of Brazoria, Matagorda, ~~[Fort Bend]~~ and Wharton, Texas.

In Brazoria County the first term shall be known as the April-September term and shall begin each year on the first Monday in April and shall continue until and including Saturday before the first Monday in October of each year; the second term of said court in Brazoria County, Texas, which shall be known as the October-March term, shall begin each year on the first Monday in October and shall continue until and including Saturday before the first Monday in the following April.

~~[In Fort Bend County the first term shall be known as the May-October term and shall begin each year on the first Monday in May and shall continue until and including Saturday before the first Monday in November; the second term, which shall be known as the November-April term, shall begin each year on the first Monday in November and continue until and including Saturday before the first Monday in the following May.]~~

In Matagorda County the first term shall be known as the June-November term and shall begin each year on the first Monday in June and shall continue until and including Saturday before the first Monday in December; the second term, which shall be known as the December-May term, shall begin each year on the first Monday in December and shall continue until and including Saturday before the first Monday in the following June.

In Wharton County the first term shall be known as the July-December term and shall begin each year on the first Monday in July and shall continue until and including Saturday next before the first Monday in the following January; and the second term, which shall be known as the January-June term, shall begin each year on the first Monday in January and shall continue until and including Saturday before the first Monday in the following July.

The Judge of said court, in his discretion, may hold as many sessions of court in any term of the court in any county as is deemed by him proper and expedient for the dispatch of business.

SECTION 6. The provisions of Section 5, Chapter 179, Acts of the 50th Legislature, Regular Session, 1947 (Article 199(130), Vernon's Texas Civil Statutes), do not apply to the 23rd District Court and the judge of the 23rd District Court in Fort Bend County.

SECTION 7. In each of the Counties of Brazoria, Fort Bend, Matagorda, and Wharton, the judge of each district court of the county, the county judge of the county, and the judge of each county court at law in the county constitute a juvenile board for the county. The members composing the juvenile board in each county shall each be allowed additional compensation which shall be paid in 12 equal monthly installments out of the general fund of the county in an amount to be fixed by the commissioners court of each county.

SECTION 8. Subdivision 29, Article 199, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

29. PALO PINTO

Sec. 1. The Twenty-ninth Judicial District of Texas shall be composed of the County [Counties] of [~~Hood,~~] Palo Pinto[~~, and Erath~~], and the terms of the District Court shall be held therein each year on ~~as follows:~~

~~[In the County of Erath: On the first Monday in January of each year; on the first Monday after the third Saturday in May of each year; and on the first Monday after the fourth Saturday in August, of each year; and each of which terms of Court may continue in session to and including the Saturday immediately preceding the Monday for convening the next regular term of such Court in such County.~~

~~[In the County of Palo Pinto: On] the first Monday in March of each year; on the first Monday after the third Saturday in June of each year; and on the first Monday after the fourth Saturday in October of each year; and each such terms of Court may continue in session to and including the Saturday immediately preceding the Monday for convening the next regular term of such Court in such County.~~

~~[In the County of Hood: On the first Monday after the third Saturday in April of each year; on the first Monday after the fourth Saturday in July of each year; and on the first Monday after the second Saturday in December of each year; and each such terms of Court may continue in session to and including the Saturday immediately preceding the Monday for convening the next regular term of such Court in such County.]~~

Sec. 2. The Judge of said Court in his discretion may hold as many sessions of Court in any term of the Court [~~in any County~~] as deemed by him proper and expedient for the dispatch of business.

~~[Sec. 3. All processes issued, bonds and recognizances made and all grand and petit juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the District Courts of the several Counties as herein fixed as though issued and served for such terms and returnable to and drawn for the same.~~

~~[Sec. 4. It is further provided that if any Court in any County of said District shall be in session at the time this Act takes effect such Court or Courts affected thereby shall continue in session until the term thereof shall expire under the provisions of existing laws, but thereafter all Courts in said District shall conform to the requirements of this Act.]~~

SECTION 9. Sections 1 and 5, Subdivision 76, Article 199, Revised Civil Statutes of Texas, 1925, as amended, are amended to read as follows:

76. TITUS, CAMP, AND MORRIS

Sec. 1. (a) ~~The 76th Judicial District of Texas shall be composed of the Counties of Titus, Camp, and Morris, [and Marion,] and the terms of the District Court within those Counties shall be held as follows:~~

Beginning on the first Mondays in January, May, July, and November and beginning on the third Monday in September in Morris County; beginning on the first Mondays in February, August, September, October, and December in Titus County; and beginning on the first Mondays in March and April in Camp County. Each term of court continues in each county until the next succeeding term of the court begins.

~~[In Titus County, beginning on the first Monday in January of each year and may continue in session until the convening of the next regular term; on the sixteenth Monday after the first Monday in January of each year, and may continue in session until the convening of the next regular term; on the thirty-seventh Monday after the first Monday in January in each year and may continue in session until the convening of the next regular term.~~

~~[In Camp County, beginning on the eighth Monday after the first Monday in January and may continue in session until the convening of the next regular term; on the thirty third Monday after the first Monday in January in each year, and may continue in session until the convening of the next regular term.~~

~~[In Morris County, beginning on the twelfth Monday after the first Monday in January in each year, and may continue in session until the convening of the next regular term; on the forty second Monday after the first Monday in January in each year, and may continue in session until the convening of the next regular term.~~

~~[In Marion County, beginning on the twentieth Monday after the first Monday in January in each year, and may continue in session until the convening of the next regular term; on the forty sixth Monday after the first Monday in January in each year, and may continue in session until the convening of the next regular term.]~~

(b) The Judge of the Court, in his discretion, may hold as many sessions of court in any term of the Court in any county as may be deemed by him proper and expedient for the dispatch of business.

Sec. 5. (a) The District Court of the 76th Judicial District in Titus, Camp, and Morris~~[-and Marion]~~ Counties shall exercise general jurisdiction over civil and criminal matters as is now, or may hereafter be provided by law.

(b) The 76th Judicial District Court in Camp, Morris, and Titus Counties shall have concurrent jurisdiction with the 276th Judicial District Court in the counties. The Judges of the 76th and 276th District Courts in Camp, Morris, and Titus Counties may transfer on their dockets any case to be tried in Camp, Morris, and Titus Counties with the consent of the Court to which transferred, and each may sit in the other Court to hear cases without transferring the case  
~~[Marion County shall have concurrent jurisdiction with the 115th Judicial District Court in the county. The Judges of the 76th and 115th District Courts in Marion County may transfer on their dockets any case to be tried in Marion County with the consent of the Court to which transferred, and each may sit in the other Court to hear cases without transferring the case].~~

(c) The 76th District Court in each of the Counties of Camp and Morris shall have and exercise concurrent jurisdiction with the County Court over all matters of criminal jurisdiction, original and appellate, in cases over which under the constitution and laws of this state the County Court has jurisdiction. In each of the counties, matters and proceedings in the concurrent jurisdiction of the 76th District Court and the County Court may be filed in either Court and all cases of concurrent jurisdiction may be transferred between the 76th District Court and the County Court.

(d) [(e)] All writs and processes issued and bonds and recognizances made in cases transferred are returnable to the Court to which transferred, as if originally issued there. The officers serving the 76th District Court in Camp, Morris, and Titus Counties [~~Marion County~~] shall serve in the same manner the 276th [~~115th~~] Judicial District Court in Camp, Morris, and Titus Counties [~~Marion County~~].

[(d) The County Attorney of Marion County shall represent the state in all criminal matters pending before the 76th District Court and the 115th District Court in Marion County. The District Attorney of the 76th Judicial District shall continue to represent the state in the other counties in the 76th Judicial District, and the provisions of this subsection do not affect his powers and duties in the counties of Titus, Camp, and Morris. The duties of the District Attorney of the 76th Judicial District in Marion County are divested from him and invested in the County Attorney of Marion County. The present district attorney for the 76th Judicial District shall continue in office as the district attorney in the counties of Titus, Camp, and Morris until the general election in 1976 and until his successor is elected and has qualified. Beginning with the general election in 1976, the District Attorney of the 76th Judicial District shall only stand for election and be elected from the counties of Titus, Camp, and Morris.]

SECTION 10. Section 2, Chapter 150, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 199(115), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. (a) The 115th District Court of Texas shall be composed of Upshur, Wood, and Marion Counties, and the terms of the Court shall be held as follows:

In the County of Upshur on the first Mondays in January and June of each year, and may continue in session until and including the Saturday immediately preceding the Monday for convening the next regular said Court in Upshur County.

In the County of Wood on the first Mondays in February and July, and may continue in session until and including the Saturday immediately preceding the Monday for convening the next regular term of said Court in Wood County.

In the County of Marion on the first Mondays in March and September, and may continue in session until and including the Saturday immediately preceding the Monday for convening the next regular term of said Court in Marion County.

The Judge of the 115th District Court in his discretion may hold as many sessions of Court in any term of the Court in any County as is deemed by him proper and expedient for the dispatch of business.

(b) The jurisdiction of the 115th District Court is concurrent with the jurisdiction of the 276th [~~76th~~] District Court in Marion County, and with the 114th District Court in Wood County. The Judges of the 114th and 115th District Courts in Wood County may transfer on their dockets any case to be tried in Wood County with the consent of the Court to which transferred, and each may sit in the other Court to hear cases without transferring the case. The Judges of the 115th and 276th [~~76th~~] District Courts in Marion County may transfer on their dockets any case to be tried in Marion County with the consent of the court to which transferred, and each may sit in the other court to hear cases without transferring the case. The 115th District Court in Marion County shall have and exercise concurrent jurisdiction with the County Court over all matters of criminal jurisdiction, original and appellate, in cases over which under the constitution and laws of this state the County Court has jurisdiction. In the County, matters and proceedings in the concurrent jurisdiction of the

115th District Court and the County Court may be filed in either Court and all cases of concurrent jurisdiction may be transferred between the 115th District Court and the County Court. All writs and processes issued and bonds and recognizances made in cases transferred are returnable to the court to which transferred, as if originally issued there.

(c) The officers serving the 276th [76th] District Court in Marion County shall serve in the same manner the 115th Judicial District Court in Marion County.

~~[(d) The County Attorney of Marion County shall represent the state in all criminal matters pending before the 76th District Court and the 115th District Court in Marion County. The duties of the District Attorney of the 76th Judicial District in Marion County are divested from him and invested in the County Attorney of Marion County.]~~

SECTION 11. Section 1, Chapter 121, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 1970-322a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. (a) In addition to the jurisdiction heretofore conferred by law upon the County Court of Marion County, Texas, and the County Judge of Marion County, Texas, the said County Court shall have jurisdiction within Marion County of all criminal matters and causes of misdemeanor over which the District Courts [Court] of Marion County, Texas, now has jurisdiction, and the jurisdiction of said Courts over such matters shall be concurrent, provided that the jurisdiction of the District Courts [Court] of Marion County, Texas, shall be and remain as now fixed by law and be in nowise affected by this Act; and provided further, that the jurisdiction hereby conferred upon the County Judge of Marion County, Texas, shall extend to and only to those cases in which pleas of guilty are entered by the defendant in any cases of misdemeanor filed in said Court.

(b) The County Attorney of Marion County shall continue to represent the state in all criminal matters pending before the District Courts in Marion County.

SECTION 12. Section 1, Chapter 106, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 5139AA, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. There is ~~hereby~~ established the Marion County Juvenile Board, which shall be composed of the County Judge of Marion County and the Judge of each judicial district that includes Marion County ~~[the 76th Judicial District]~~. The Judge of the Court which is designated as the Juvenile Court for Marion County shall be Chairman of the Board and its chief administrative officer.

SECTION 13. Chapter 306, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 199(135), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. ~~The [From and after the effective date of this Act, the] 135th Judicial District of Texas shall consist of DeWitt, Goliad, Jackson, Refugio, Calhoun and Victoria Counties; and the court of said district, to be known as the 135th District Court, shall have jurisdiction over civil cases only, and the limits of said district shall be coextensive with the limits of said counties].~~

Sec. 2. The present Judge of the 135th Judicial District shall continue to serve as Judge of the [said] District for the remainder of the term to which he was elected and for which he has qualified and until his successor shall be duly elected and qualified. Thereafter such Judge shall be elected as provided by the Constitution and Laws of the State of Texas.

Sec. 3. There shall be two ~~[(2)]~~ terms of the District Court of the 135th Judicial District in each county within its jurisdiction which commence on the



first Monday in January and on the first Monday in July of each year. ~~[of the said counties each year as follows:~~

~~[In the County of Refugio on the first Mondays in January and June.~~

~~[In the County of Calhoun on the first Monday in February and last Monday in August.~~

~~[In the County of Victoria on the fourth Monday in February and third Monday in September.~~

~~[In the County of Jackson on the third Mondays in March and October.~~

~~[In the County of Goliad on the second Mondays in April and November.]~~

Each term of court in each county continues until the next succeeding term begins ~~[may continue in session until the Saturday immediately preceding the Monday for convening the next regular term of such court in such county. The judge of said court, in his discretion, may hold as many sessions of court in any term in any county as he may deem proper and expedient for the dispatch of business].~~

Sec. 4. The district clerk of each of the respective Counties included in the ~~[said]~~ Judicial District shall also be clerk of the District Court of the 135th Judicial District in such respective Counties. ~~The district attorney of the 24th Judicial District shall represent the state in all cases before the 135th District Court in the Counties of Goliad, Jackson, Refugio, and DeWitt.~~

~~[Sec. 5. There shall be a docket for the 24th District Court and a docket for the 135th District Court in each of the Counties of Goliad, Jackson, Refugio, Calhoun and Victoria. All suits and other proceedings instituted in any county in the district of which the district court has jurisdiction shall be addressed to the District Court of the county in which the suit or other proceeding is instituted. All civil cases or other civil proceedings filed with an even number in each of said counties shall be placed on the docket of the 24th District Court, and all civil cases or other civil proceedings filed with an uneven number in each of said counties shall be placed on the docket of the 135th District Court. The judge of the District Court of either the 24th District or the 135th District in said counties may hear and dispose of any suit or other proceeding on the docket of either of said district courts of the county in which the suit or proceeding is instituted without the necessity of transferring the suit or proceeding from one court to another; and the judges may transfer cases from one court to the other by an order entered on the docket of the court from which the case is transferred, provided that no case shall be transferred without the consent of the judge of the court to which transferred. Every judgment and order shall be entered in the minutes of the district court of the county in which the proceedings are pending, and the clerk of the district court in said county shall keep one set of minutes for each district court in which shall be recorded all judgments and orders of each court respectively. All citations and other process issued by the district clerk and all notices, restraining orders and other process authorized to be issued by the judge of the 24th District Court or the 135th District Court in said counties shall be returnable to the District Court of the county in which court such suit or other proceeding is pending.~~

~~[Sec. 6. The Judge of the 135th District Court shall appoint a shorthand reporter for such Court, who shall hold office and be compensated as provided by law.~~

~~[Sec. 7. The Judges of the 24th and 135th District Courts in Goliad, Jackson, Refugio, Calhoun and Victoria Counties shall sign the minutes of each term of said respective courts in said counties within thirty (30) days after the end of each term, and each judge shall also sign the minutes of the other court covering such proceedings as were had before him.~~

~~[Sec. 8. Qualified jurors for service in both the 24th Judicial District Court and the 135th Judicial District Court in Goliad, Jackson, Refugio, Calhoun and Victoria Counties shall be selected in accordance with the provisions of the applicable laws of Texas.]~~

~~[Sec. 9. Jurors selected as provided in the preceding Section of this Act may be summoned and used for the trial of civil cases interchangeably in either the 24th District Court or the 135th District Court in Goliad, Jackson, Calhoun, Refugio and Victoria Counties. For the trial of criminal cases, only juries selected in the 24th District Court in Goliad, Jackson, Calhoun, Refugio and Victoria Counties shall be impaneled.]~~

SECTION 14. Section 1, Chapter 303, Acts of the 58th Legislature, Regular Session, 1963 (Article 2292a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. The District Judges of the 24th Judicial District, ~~and of the 135th Judicial District, and the 267th Judicial District~~ may appoint, with the approval of the Commissioners Court, an officer of the Court to act as bailiff, whose primary duty shall be to act as interpreter. Such bailiff shall be paid a reasonable salary not to exceed the highest salary paid to any deputy, clerk or assistant employed by the County.

SECTION 15. Section 1, Chapter 190, Acts of the 56th Legislature, Regular Session, 1959 (Article 199(121), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. (a) There is ~~hereby~~ created the 121st Judicial District of Texas, to be composed of the Counties of ~~[Cochran, Hockley,]~~ Terry and Yoakum. The District Court of the 121st Judicial District shall have the jurisdiction provided by the Constitution and Laws of this State for District Courts.

(b) The terms of the District Court shall be held therein each year as follows:

~~[In the County of Cochran, beginning on the second Monday in March and the second Monday in September.]~~

~~[In the County of Hockley, beginning on the second Monday in April and the second Monday in October.]~~

In the County of Terry, beginning on the second Monday in May and the second Monday in November.

In the County of Yoakum, beginning on the second Monday in June and the second Monday in December.

Each term of court continues until the next succeeding term begins.

SECTION 16. Subdivision 26, Article 199, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

26. WILLIAMSON. The 26th Judicial District shall be composed of the County of Williamson, and the district court shall hold six terms of court each year beginning on the first Mondays in January, March, May, July, September, and November. Each term shall continue until the beginning of the next succeeding term. ~~[On the first Monday in January and may continue to and including the last Saturday in February; on the first Monday in March and may continue to and including the last Saturday in April; on the first Monday in May and may continue to and including the last Saturday in June; on the first Monday in September and may continue to and including the last Saturday in October; and on the first Monday in November and may continue to and including the last Saturday in December.]~~

Grand juries for Williamson County ~~[said district court]~~ shall be organized by the 26th District Court at the January, May and September terms of said court; provided, that the judge of said court may, when deemed necessary, organize and impanel grand juries at any other term of said court by entering an order therefor.

SECTION 17. Sections 1 and 8, Chapter 506, Acts of the 55th Legislature, Regular Session, 1957 (Article 199(154), Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 1. There ~~[From and after the effective date of this Act, there]~~ is ~~[hereby]~~ created the 154th Judicial District of Texas to be composed of the County ~~[Counties]~~ of Lamb~~[, Bailey and Parmer]~~.

Sec. 8. The ~~[From and after the effective date of this Act, the]~~ terms of the 154th Judicial District Court shall begin ~~[be as follows:]~~

~~[In the County of Lamb beginning]~~ on the first Mondays in January and July of each year designated as the January and July Terms, respectively.

~~[In the County of Bailey beginning on the first Mondays of February and August of each year designated as the February and August Terms, respectively.]~~

~~[In the County of Parmer beginning on the first Mondays in March and September of each year designated as the March and September Terms, respectively.]~~

SECTION 18. Article 332b-1, Revised Civil Statutes of Texas, 1925, as added, is amended to read as follows:

Art. 332b-1. In Marion County, Morris County, Lamb County, Terry County, Yoakum County, Cass County, Lamar County, Red River County, Crosby County, Robertson County, Falls County, and Ellis County, in all of which counties there is either the office of criminal district attorney or the office of county attorney performing the duties of a district attorney, the official performing such services shall be compensated for his services by the State in such manner and in such amount as may be fixed by the general law relating to the salary to be paid to district attorneys by the State. The Commissioners Court may pay such official any compensation it deems advisable and shall pay such official sufficient compensation to insure that his total compensation is not less than the total compensation received by such official on the effective date of this amendment.

SECTION 19. The office of district attorney of the 154th Judicial District is abolished. The county attorney of Lamb County shall represent the state in all matters pending before the district court in Lamb County and perform all the duties of the district attorney.

SECTION 20. The county attorney in each of the Counties of Yoakum and Morris shall represent the state in all matters pending before the district court in his respective county. The duties of the District Attorney of the 76th Judicial District in the County of Morris are divested from him and invested in the county attorney. The District Attorney of the 76th Judicial District shall represent the state in all matters pending before the district court in the Counties of Titus and Camp and shall be elected from only the Counties of Titus and Camp.

SECTION 21. Section 6, Chapter 190, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 326k-41, Vernon's Texas Civil Statutes), and Section 8, Chapter 190, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 326k-41a, Vernon's Texas Civil Statutes), are repealed.

SECTION 22. There is appropriated to the Judiciary Section, Comptroller's Department, from the General Revenue Fund for the fiscal year ending August 31, 1981, the sum of \$25,000 per court or as much of that amount as is necessary to pay the salary and expenses of each judge of the district courts created by this Act and the sum of \$32,000 or as much of that amount as is necessary to pay the salary of each of the county attorneys of Morris and Lamb Counties performing the duties of district attorney. The salaries and expenses shall be paid at the same rate as is provided in Chapter

843, Acts of the 66th Legislature, Regular Session, 1979, for district judges and for district attorneys who are not included in Chapter 705, Acts of the 66th Legislature, Regular Session, 1979.

SECTION 23. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendments were read.

Senator Parker moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ogg.

#### **CONFERENCE COMMITTEE ON HOUSE BILL 1341**

Senator Caperton called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 1341** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 1341** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Caperton, Chairman; Brooks, McKnight, Meier, Farabee.

#### **SENATE BILL 138 WITH HOUSE AMENDMENT**

Senator Traeger called **S.B. 138** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 - Madla/Bock

Amend **S.B. 138** by inserting the following between "duties" and the period of line 13: "Provided that Commissioners Court may not compensate reserve deputy officers, unless they possess the training required of a regular deputy sheriff or constable.

The amendment was read.

Senator Traeger moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 138** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Traeger, Chairman; Short, Kothmann, Williams, Uribe.

#### **EXECUTIVE SESSION**

Senator McKnight moved that the Senate meet in Executive Session to consider the nominations.

The motion prevailed.

#### **RECORD OF VOTE**

Senator Doggett asked to be recorded as voting "Nay" on the motion to meet in Executive Session.

Accordingly, the President at 10:55 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

#### **IN LEGISLATIVE SESSION**

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 11:25 o'clock a.m.

Senator McKnight moved confirmation of the nominees as reported from the Subcommittee on Nominations. The report was filed yesterday.

The President asked if there were requests to sever nominees.

There were no requests offered.

#### **NOMINEES CONFIRMED**

The nominees as reported by the Subcommittee on Nominations were confirmed by the following vote: Yeas 30. Nays 0.

Absent-excused: Ogg.

#### **SENATE RESOLUTION 415**

Senator Blake offered the following resolution:

WHEREAS, On March 28, 1923, Senator W. E. "Pete" Snelson, Dean of the Texas Senate and Chairman of the Education Committee, was born; and

WHEREAS, Senator Snelson, a 20-year veteran of the Legislature, has done much to shape the laws under which our public schools and institutions of higher learning operate; and

WHEREAS, An eminently successful businessman from Midland, Senator Snelson is a member of the Masonic Lodge and of the Lions Club and has served as President of the Texas Jaycees; and

WHEREAS, He and his lovely wife Susan have four children: Gene, 20; Sandra, 18; Steven, 17; and Shane, 12; and

WHEREAS, Mr. Snelson's colleagues in the Senate are honored to work alongside a man of such integrity, dedication, and insight; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 67th Legislature, hereby honor Senator W. E. "Pete" Snelson on the 58th anniversary of his birth; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for Senator Snelson as a token of the high regard his colleagues have for him.

The resolution was read and was adopted.

#### MESSAGE FROM THE HOUSE

House Chamber  
March 26, 1981

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to adopt the conference committee report on **S.B. 306** and requests the appointment of a new conference committee.

House Conferees: Allee, Chairman; Keller, Coleman, Kubiak, Bush.

**S.B. 720**, Relating to manufacturers and distributors of beer.

**H.B. 245**, Relating to the requirements of fire detection and smoke alarm systems in certain buildings.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### COMMITTEE SUBSTITUTE SENATE BILL 980 ON SECOND READING

Senator Doggett moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 980**, Relating to regulation of the practice of osteopathic medicine; providing penalties.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Blake, Brooks, Caperton, Doggett, Glasgow, Kothmann, Mauzy, McKnight, Meier, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Andujar, Brown, Farabee, Harris, Howard, Jones, Leedom, Mengden, Travis.

Absent-excused: Ogg.

The bill was read second time.

Senator Howard offered the following amendment to the bill:

Amend C.S.S.B. 980, Section 34, by adding the following:

"All such fees shall be deposited in the state treasury and all expenditures shall be subject to legislative appropriations."

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### RECORD OF VOTES

Senators Leedom and Mengden asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### MOTION TO PLACE

#### COMMITTEE SUBSTITUTE SENATE BILL 654 ON THIRD READING

Senator McKnight moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 654, Relating to the examination powers of the comptroller of public accounts.

The motion was lost by the following vote: Yeas 19, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Brooks, Brown, Caperton, Doggett, Glasgow, Harris, Kothmann, Mauzy, McKnight, Parker, Santiesteban, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Andujar, Blake, Farabee, Howard, Jones, Leedom, Meier, Mengden, Richards, Sarpalius, Wilson.

Absent-excused: Ogg.

#### SENATE BILL 323 ON SECOND READING

Senator Farabee moved to suspend the regular order of business to take up for consideration at this time:

S.B. 323, Amending Chapter 3 of the Texas Education Code, relating to the Teacher Retirement System of Texas, and providing for effective dates.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Andujar, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Jones, Traeger.

Absent-excused: Ogg.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 323 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 323** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Jones.

Absent-excused: Ogg.

The bill was read third time and was passed.

#### **COMMITTEE SUBSTITUTE SENATE BILL 654 ON THIRD READING**

Senator McKnight moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**C.S.S.B. 654**, Relating to the examination powers of the Comptroller of Public Accounts.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Brooks, Brown, Caperton, Doggett, Glasgow, Harris, Kothmann, Mauzy, McKnight, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Andujar, Blake, Farabee, Howard, Jones, Leedom, Meier, Mengden, Richards, Wilson.

Absent-excused: Ogg.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10. (Same as previous roll call)